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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/609,079

06/27/2003

Timothy J. Parker

3239P106

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09/23/2009

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EXAMINER

CAVALLARI, DANIEL J

ART UNIT

PAPER NUMBER

2836

MAIL DATE

DELIVERY MODE

09/23/2009

PAPER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/609,079
Filing Date: June 27, 2003
Appellant(s): PARKER ET AL.

William W. Schaal
Blakely, Sokoloff, Taylor, & Zafman, L.L.P.
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 6/19/2009 appealing from the Office action mailed 2/20/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Nortel Networks Limited.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

Claims 1, 2, 11-12, 15-16, 18-23, 25-28 and 32-33 are pending. Appellant incorrectly identified claim 3 as pending although Appellant then later correctly identified claim 3 as cancelled in the Status of Claims.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

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(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

A substantially correct copy of appealed claims 1-2,11-12,15-16,1-23,25-28, and 32-33 appears on page 14 of the Appendix to the appellant's brief. The minor errors are as follows: Claim 2 is identified as "Original" however the claim is not original. Claim 2 was amended on 11/28/2007 and therefore should be identified as "previously presented".

(8) Evidence Relied Upon

2003/0099076

Elkayam et al.

5-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 11, 12, 15, 18, 25-28, 32, & 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Elkayam et al. (US 2003/0099076 A1).

In regard to Claims 1 & 2

A connector module (shown as board 11 of Figure 1, and board 51 of Figure 2) being a component mounted on a circuit board (read on by switch board 14, See Figure 2) comprising:

- At least one Ethernet jack (24) adapted for coupling to a link (34) (See Figure 1 & Paragraph 69-72).
- Circuitry (56) coupled to the jack (24) and embedded into the connector module (11) (See Figure 2) configured to perform power-over-Ethernet operations for supplying power through the jack (See Figure 2 & Paragraph 69 & 76) [Read on by IEEE 802.3af].

The Examine further points out that the recitation “being a component mounted on a circuit board” does not have patentable weight because it has been held that a preamble is denied the effect of a limitations where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478 (CCPA 1951).

In regard to Claim 11

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- The connector module being implemented on the circuit board (14, See Figure 2) within a switch device, read on by the switching hub (See Paragraph 32) including a housing (See Paragraph 32 & Figure 1 which shows the chassis (16) and Ethernet circuit board (14)) which encloses the connector module with at least one jack (24) accessible from a side of the housing for coupling the link (See Figure 1).

In regard to Claim 12

- The connector module adapted to receive DC voltage (See Figure 1 & Paragraph 18) and transmit power to at least one Ethernet jack (24) of the connector module (See Paragraphs 22, 71, & 76) [using IEEE 802.3af].

In regard to Claims 15 & 18

A connector module (51, Figure 2) being a component mounted on a circuit board placed in a switching device (switching hub, 15, Figure 1) comprising:

- A plurality of jacks (24) positioned along a side of the switching device (15) (See Figure 1) adapted for coupling to a link (34) (See Figure 1 & Paragraph 69-72).
- Circuitry (56) embedded within the component coupled to the plurality of Ethernet jacks (24), to perform power-over-Ethernet operations by supplying power through each of the plurality of Ethernet jacks, the circuitry comprises a filtering circuitry (99, See Paragraph 83) and POE circuitry, read on by the output power control circuits (58) which are used to vary the amount of power supplied over any of the plurality of Ethernet jacks (24) (See

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Figures 2, 3, & Table I & Paragraphs 76, 79, & 80) and the PoE circuitry (58) attached to the filtering circuitry (99) (See Figure 4).

- The POE circuitry (58) being coupled to the transformer (See Paragraph 75) [the Examiner notes that the connectors are described as coupled to the transformer, which are coupled to the support circuitry (55) which are coupled to the power distribution and control circuitry (56) which are coupled to the output power control (58) (See Paragraph 75)].

The Examiner further points out that the recitation "being a component mounted on a circuit board" does not have patentable weight because it has been held that a preamble is denied the effect of a limitation where the claim is drawn to a structure and the portion of the claim following the preamble is a self-contained description of the structure not depending for completeness upon the introductory clause. *Kropa v. Robie*, 88 USPQ 478 (CCPA 1951).

In regard to Claim 25

A switching device including a connector module (51, Figure 2) being a component mounted on a circuit board (14) implemented within the switching device (12) the switching device comprising:

- A housing [See Paragraph 32 & Figure 1 which shows the chassis (16)].
- A connector module being a component mounted on a circuit board, the component including at least one jack (24, 55) (See Figure 1) [wherein the component includes the jack via connector (40), See Figure 2] formed in the housing and power over Ethernet

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circuitry (56) contained within the housing and directly coupled to the at least one jack (24, 55) (See Figure 2).

In regard to Claim 26

- Wherein the connector module is an Ethernet jack module (See Paragraph 69).

In regard to Claim 27

- Wherein the housing further includes an output (24) to supply power to a first connector module (30) neighboring the connector module (15) (See Figure 1).

In regard to Claim 28

- Wherein the housing further includes an input to receive power from a second connector module (36) neighboring the connector module (15) so as to form a cascading connection between the first neighboring connector module (36) and the second neighboring connector module (30) (See Figure 1).

In regard to Claim 32

Wherein the housing comprises:

- See arguments above for claims 27 & 28.
- A first input (40) adapted to receive power from a first neighboring connector module (51) and a first output (24) adapted to provide power to a second neighboring connector module (See Figure 2).

In regard to Claim 33

Wherein the housing further comprises a cascade serial communication interface (42, See Figure 2 & Paragraph 72) adapted for coupling to a serial interface of the first neighboring connector module (51)

(10) Response to Argument

The Appellant makes three particular arguments:

- 1) Elkayam et al. (hereinafter referred to as Elkayam) is directed at a daughter card/motherboard implementation and fails to teach a “connector module” as a component mounted to a circuit board;
- 2) The preamble is to be given patentable weight; and
- 3) Elkayam fails to teach the connector being implemented on a circuit board that includes at least one jack.

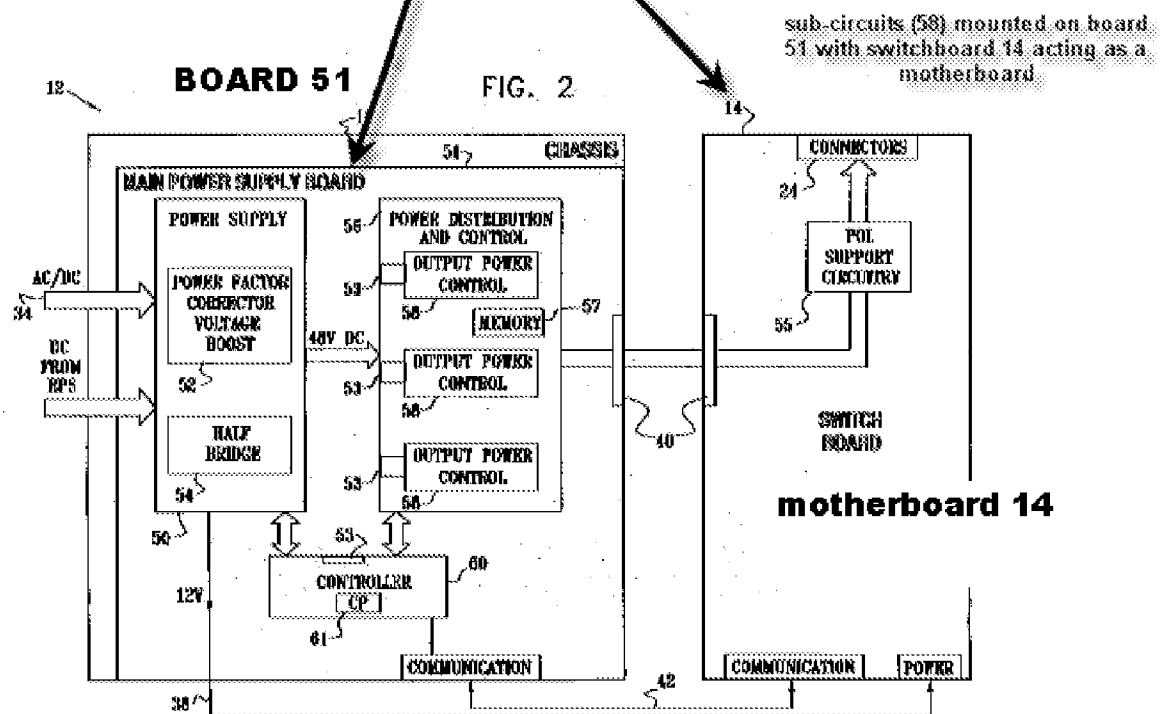
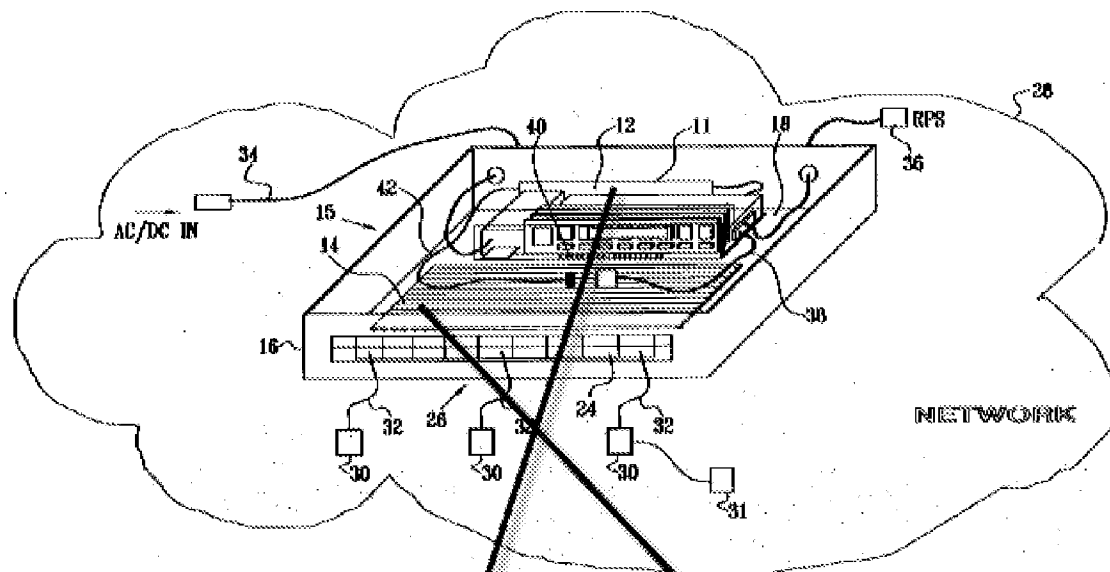
In regard to the first argument, the Examiner agrees with Applicant’s description of Elkayam as a “daughter card/motherboard implementation” but maintains that this configuration properly reads on Appellant's claimed invention. The Examiner disagrees with Appellant’s further description of Elkayam's invention (see Supplemental Appeal Brief of 6/19/2009, page 8, second paragraph) wherein Appellant states "The teachings of Elkayam are directed to the application of power levels compliant with IEEE 802.3af, namely Power Over Ethernet (POE) power levels, through the use of an on-board power supply (5), power distribution and control

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circuitry (56) and power over LAN support circuitry (55), **all of which are separately mounted on multiple boards.**” As Appellant previously pointed out, Elkayam teaches a daughter card/motherboard configuration. This configuration reads on the claimed invention of the “connector module being a component mounted on a circuit board”. Elkayam explains (see Elkayam Specification, paragraph 76):

Alternatively, the **sub-circuits (58) are mounted onto a board, which may act as a daughter board and which in turn mounts**, in switching hub 15, **onto board 51** or switch board 14, **the later (switch board 14) acting as a mother board**. Further, alternatively, switching hub 15 may comprise a back plane with connector for receiving individual cards, as is known in the art. In this case the board upon which the subcircuits are mounted (board 51) in turn mounts on one of the individual cards.

FIG. 1



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Contrary to Appellants description of Elkayam, Elkayam does in fact teach a connector module (board 51 with components 58 mounted onto it) as a component mounted on a circuit board (motherboard 14), as explained above.

Furthermore, the module (51, Figure 2 of Elkayam) comprises “at least one jack” (read on by “connector” 24 of component 14, see Figure 2) as the module (51) is physically and operationally connected to jack 24.

In regard to Appellant’s second argument, it is noted that even though the Examiner cited case law stating that preambles are not given patentable weight, Appellant’s preamble was given patentable weight and was considered during examination.

In regard to Appellant’s third argument, as explained above, Elkayam does teach a module implemented on a circuit board. Elkayam teaches that all the apparatus and all its circuitry perform Power Over Ethernet (POE) functions (see Elkayam paragraph 3, and 22). Elkayam teaches the connector "with at least one jack" and "comprising at least one jack" noting that the jack limitations of Appellant’s claims do not require that the jack be actually mounted on the module. The module (51, Figure 2 of Elkayam) comprises jack 24 in that it is physically and operationally connected to module 51.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Daniel Cavallari

Conferees:

Darren Schuberg

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Daniel Cavallari /Daniel Cavallari/ 9/11/2009

/Rexford N BARNIE/

Supervisory Patent Examiner, Art Unit 2819

/Darren Schuberg/

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